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10/025,117	12/19/2001	George Ralph Kuntz	3572/11082US1	5682

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EXAMINER	
HAILU, TADESSE	

ART UNIT	PAPER NUMBER
2173	

DATE MAILED: 01/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/025,117	KUNTZ, GEORGE RALPH	
	Examiner	Art Unit	
	Tadesse Hailu	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 December 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-40* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3, 7-30, 33-40* is/are rejected.

7)☐ Claim(s) *4-6,31 and 32* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *28 March 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *4/12, 5/29 '02*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is in response to the patent application number 10/025,117 filed on December 19, 2001.

2. The patent application also claims the benefit under 35 USC 119(e) of the following United States provisional application number 60/258,895, filed on December 28, 2000.

3. The Information Disclosure Statements submitted on 4/12/02 and 5/29/02 are considered and entered into the file wrapper.

4. The pending claims 1 through 40 are examined herein as follows:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1-3, 7-9, 11-13, 16-25, 27-30, 33-35, and 39-40 are rejected under 35 U.S.C. 102(e) as being anticipated by Robergé et al (US Pat No 6,801,916).

Robergé relates to methods for entry, update, and review of data in hierarchically organized database views, and automated methods for generating medical reports. Robergé directed to an efficient, flexible, user-friendly interface for recording medical information and creating reports from the recorded information.

With regard to claim 1:

An automated method for generating a medical report based on results of a medical examination of a patient includes creating a node (GUI object) for a hypertext application (e.g., Figs. 3J, 7A-B, 9C, and 12A-B) at a user terminal or station, said method comprising:

as per "reading a control element from a hypertext file" (e.g., Fig. 12B);

as per "parsing the control element into a set of attributes" (e.g., Fig. 12B, column 11, lines 11-57);

as per " passing the parsed set of attributes to an object module" (column 11, lines 58-column 12, lines 5); and

as per "receiving from the object module a GUI object of the control element" (column 11, lines 58-column 12, lines 5).

With regard to claim 16:

Robergé discloses a method for activating an object module in an application operating on a hypertext document containing a control element (e.g., see the highlighted control element, *Left ventricle size was normal*, Fig. 12B) , the control

element having attributes (e.g., size, Fig. 12) , at a workstation which comprises the steps of: parsing the attributes of the control element (e.g., Fig. 12B, column 11, lines 11-57); sending the attributes to an object module associated with the control element (column 11, lines 58-column 12, lines 5); invoking the object module to make a GUI object containing the attributes (column 11, lines 58-column 12, lines 5); activating the object module associated with the control element (column 14, lines 15-23); and displaying the GUI object (Fig. 12B).

With regard to claim 2:

Robergé further describes the node (GUI object) received contains the set of Attributes (column 4, lines 18-21, column 13, lines 5-22).

With regard to claims 3 and 33:

Robergé further disclose the parsing step, further comprises, the following steps: receiving a coordinate of the control element from an actuating device (column 13, lines 41-61); and, determining a character offset of the coordinate of the control element (column 13, lines 41-61).

With regard to claim 7:

As per "receiving from a text parser the parsed set of attributes corresponding to the control element (see Fig. 12B); and as per "creating a GUI object of the control element using the parsed set of attributes." (see Fig. 12B).

With regard to claim 8:

Robergé further describes several types of control element including a text or numeric entry (prompt box control) (column 7, lines 39-47).

With regard to claim 9:

Robergé further describes the control element comprises a pop-up menu control (column 5, lines 40-42, and 54-55).

With regard to claim 11:

Robergé further describes the node the control element comprises a data and time entry (calendar selector control) (column 7, lines 39-47).

With regard to claim 12:

Robergé further describes the control element comprises a numeric entry (number selector control) (column 7, lines 39-47).

With regard to claim 13:

Robergé describes a method for displaying within a browser container a GUI object for a user (e.g., Figs. 3J, 7A-B, 9C, and 12A-B), including, at least in part, receiving a position location from an actuating device implemented by the user at a station (see Fig. 12A-B); mapping the position location to a corresponding leaf node having a GUI object associated with the leaf node (column 7, lines 39-47, column 11, lines 11-57). and, displaying the GUI object to the user at the position location (see Fig. 12B).

With regard to claim 17:

Robergé further discloses selecting a type of object module using a type of the control element (column 4, lines 1-7).

With regard to claim 18:

Robergé further discloses that a user activating an actuating device at a screen position corresponding to the control element incites the invoking, activating and displaying steps (e.g. Figs. 12A-12B).

With regard to claim 19:

Robergé further discloses that the control element has a corresponding displayed text label (e.g., *Left ventricle size was normal*, Fig. 12B) and an actuating device initiates the invoking, activating and displaying steps by a user activating the corresponding displayed text label (column 11, lines 58-column 12, lines 5, column 14, lines 15-23).

With regard to claim 20:

Robergé further discloses that the step of activating a function corresponding to a type of object module invoked (column 4, lines 1-7).

With regard to claim 21:

Robergé further discloses that the function provides a user a selection of alternative inputs to the application (column 14, lines 15-46).

With regard to claim 22:

Robergé further discloses a mapping indexes a screen location of the parsed control element with a pointer to a corresponding object module (column 13, lines 41-52).

With regard to claim 23:

Robergé further discloses that each control element has a corresponding text label (e.g., *Left ventricle size was normal*, Fig. 12B), which further comprises, the step

of permitting a user to replace the corresponding control text element label with text typed in a GUI window (column 14, lines 21-23, Fig. 12B).

With regard to claim 24:

Robergé further discloses that each control element has a corresponding text label (e.g., *Left ventricle size was normal*, Fig. 12B), which further comprises, the step of permitting a user to replace the corresponding control element label with text items selected from a set of displayed text items within a GUI window (Fig. 12B, column 4, lines 30-34, column 8, lines 62-64).

With regard to claim 25:

Robergé further discloses that the displayed text items are attributes of the control element (e.g., see Size attributes in Fig. 12, column 13, lines 5-22).

With regard to claim 27:

Robergé further discloses that each control element has a corresponding text label (e.g., *Left ventricle size was normal*, Fig. 12B), which further comprises, the step of permitting a user to replace the corresponding control element label with the item selected from a pop-up menu (e.g., Figs. 11A-11C, 12B, column 14, lines 15-23).

With regard to claim 28:

Robergé discloses a method for editing text contained within an object module that is dynamically created in response to a control element in a hypertext document at a station, which comprises the steps of:

Robergé further discloses parsing the control element into a set of attributes (column 11, lines 11-57);

Robergé further discloses displaying in an edit box an attribute (Fig. 12B, the attribute being editable, from the parsing step (column 11, lines 11-36);

Robergé further discloses locating an object module corresponding to the edited attribute using a mapping from a location of the control element to a pointer to the object module corresponding to the edited attribute (Fig. 12B, column 11, lines 36-column 12, lines 5); and

Robergé further discloses sending the edited attribute to the corresponding object module (column 11, lines 58-column 12, lines 5).

With regard to claim 29:

Robergé further discloses that a mapping indexes a screen location of the parsed control element with a pointer to the corresponding object module (column 11, lines 37-column 12, lines 5).

With regard to claim 30:

Robergé further discloses that an attribute of a control element is a control element (e.g., *Left ventricle size was normal*, Fig. 12B).

With regard to claim 34:

Robergé further discloses that the object module comprises a prompt box Control (column 7, lines 13-24).

With regard to claim 35:

Robergé further discloses that the object module comprises a pop-up menu Control (fig. 12B, column 14, lines 15-23).

With regard to claim 39:

Independent claim 39 corresponds generally to independent claim 16 and recites similar features in system form, and therefore is rejected under the same rationale.

With regard to claim 40:

Independent claim 40 corresponds generally to independent claim 28 and recites similar features in system form, and therefore is rejected under the same rationale.

6. Claim 15 is rejected under 35 U.S.C. 102(e) as being anticipated by De La Huerga (US Pat No. 6,308,171).

With regard to claim 15:

De La Huerga discloses a record template within a browser or word processor for entering specific types of information for hypertext applications represented as data to a user located at a station (workstation 107), comprising: a template (e.g., figs 3A, 3B, etc) defining an arrangement of control elements to be included in the browser template; an object module (e.g., 7B, 8b, 9b, etc) containing information relating to a set of GUI objects of the control elements; and a software engine (e.g., Word processor 14) which responds to text submitted by the user at the station by accessing a database and populating the editing template with a GUI object of the control element (column 5, lines 43-48, column 6, lines 41-59).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 10, 14, 26 and 36-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robergé et al (US Pat No 6,801,916) in view of Barret et al (US Pub No. 2003/0144874)

With regard to claims 10, 26 and 36:

While Robergé discloses permitting a user to replace the corresponding control element label (e.g., *Left ventricle size was normal*, Fig. 12B) with items selected within a list of items using pop-up menu (Fig. 12B, column 14, lines 15-23). But Robergé fails to discloses check box. Similar to Robergé, Barret discloses a method for maintaining electronic patient medical information. Barret further discloses a graphical user interface comprising a check box selection box. Barret and Robergé are analogous art because they are from the same field of endeavor, medical record keeping. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the check box interface of Barret with graphical interface of Robergé. The combination will enhance the graphical interface of Robergé's system. Therefore, it would have been obvious to combine Barret with Robergé to obtain the invention as specified in claim 26.

With regard to claim 14:

While Robergé further describes hierarchical representations can be created for a variety of data structures (e.g., relational tables, hierarchical data structures, and network data structures), but Robergé does not describe or illustrate that the station is connected across a distributed computer network. However, Barret discloses a workstation connected across a distributed computer network (Barret, Fig. 1). At the

time of the invention, it would have been obvious to a person of ordinary skill in the art to use the network capability of Barret with Robergé. The combination will enable Robergé system to exchange information from remote systems. Therefore, it would have been obvious to combine Barret with Robergé to obtain the invention as specified in claim 14.

With regard to claim 37:

Robergé in view of Barret further discloses that the object module comprises a calendar selector control (Barret, Fig. 3, #46 or #48).

With regard to claim 38:

Robergé in view of Barret further discloses that the object module comprises a number selector control (Barret, Fig. 3, #42).

Allowable Subject Matter

8. Claims 4 through 6 and 31 through 32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The record of reference fails to disclose the limitations of the above claims.

CONCLUSION

9. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Tadesse Hailu, whose telephone number is (571) 273-4051. The Examiner can normally be reached on M-F from 10:00 - 630 ET. If attempts

to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, John Cabeca, can be reached at (571) 273-4048 Art Unit 2173.

9. An inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Examiner Tadesse Hailu
Art Unit 2173 - Operator Interface
1/21/05